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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,581	12/08/2003	Per-Olof Davidsson	03384- P0009A	2101

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EXAMINER
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LE, DAVID D

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,581	<b>Applicant(s)</b> DAVIDSSON, PER-OLOF	
	<b>Examiner</b> David D. Le	<b>Art Unit</b> 3681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. This is the third Office action on the merits of Application No. 10/730,581, filed on 08 December 2003. Claims 1 and 3-8 are pending. Of those pending claims, claims 3-5 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Note:

Examiner has noted that claim 3 is currently dependent upon the cancelled claim

2.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
- Information Disclosure Statement, received on 11/12/04
  - Declaration and Power of Attorney, received on 05/24/04
  - Foreign Priority Document, received on 12/08/03

### ***Response to Appeal Brief***

3. After a thorough review of applicant's Appeal Brief filed on 24 May 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

***Drawings***

4. The drawings are objected to because many of the shown structural elements in Figs. 2-4 and 6-10 are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

**5. The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 6:

- Lines 2-3 recite the limitation “in which the hydraulic system in a closed portion comprises lines from the differential pump, through the electrically controlled or pressure valve to the clutch”. The present specification does not provide support for this claimed limitation, as indicated above.

7. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6:

- Lines 2-3 recite the limitation “in which the hydraulic system in a closed portion comprises lines from the differential pump, through the electrically controlled or pressure valve to the clutch”. This claimed limitation appears to be inaccurate because, as shown in the elected Fig. 9, line from the differential pump goes to the clutch *without going through* the electrically control or pressure valve.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1 and 6-7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/04245 (WO'245).**

**Claims 1 and 6-7:**

**WO'245** (i.e., Fig. 3; page 4, line 9 – page 10, line 6) discloses a device for transmitting torque between two rotatable shafts comprising:

- A clutch (i.e., Fig. 3, vicinity of elements 12 and 14) between the two shaft members (i.e., Fig. 3, elements 1 and 2) and engageable to counteract rotational speed differential between the shaft members by means of a hydraulic piston (i.e., Fig. 3, element 55) under the control of an electrically controlled throttle or pressure valve (i.e., Fig. 3, element 38),
- A clutch pump (i.e., Fig. 3, being the combination of elements 56 and 57) for supplying hydraulic pressure to the hydraulic piston;
- Wherein the clutch pump is a differential pump driven by the rotational speed differential between the two shaft members (i.e., page 9, lines 15-21);

- Wherein the hydraulic piston, the valve, and the clutch pump are connected in a hydraulic system also containing a feeder pump (i.e., Fig. 3, element 35) for maintaining a certain base pressure in the system (i.e., Fig. 3);
- Wherein the hydraulic system conditionally allows flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump (i.e., Fig. 3, when there is no relative rotation between shafts 1 and 2, and the hydraulic system is on/operating, the flow of base pressure from the feeder pump 35 past the valve to the hydraulic piston irrespective of the flow from the clutch pump);
- Wherein the hydraulic system in a closed portion (i.e., page 11, being the recitations of claims 1 and 2) comprises lines from the differential pump, through the electrically controlled throttle (i.e., Fig. 3, element 38) to the clutch, the portion including check-valves (i.e., Fig. 3, elements 32 and 39), and in which oil may be supplied by the feeder pump from a reservoir (i.e., Fig. 3, element 33) and may be removed to the reservoir via an overflow valve (i.e., Fig. 3, element 34);
- Wherein the feeder pump and the differential pump are connected in parallel by means of a check-valve between the feeder pump and the electrically controlled throttle or pressure valve (i.e., Fig. 1 or 3); and
- Wherein an overflow valve is connected in parallel over the check-valve (i.e., Fig. 3).

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***Response to Arguments***

11. Applicant's arguments with respect to claims 1 and 6-7 have been considered but are moot in view of the new interpretation of the previously applied reference, as set forth in paragraph 8 above.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ddl

  
RODNEY H. BONCK  
PRIMARY EXAMINER  
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